In the High Court of Punjab and Haryana, Chandigarh.

I.T.R. No.532 of 1995

Date of Decision: 19.9.2007

Commissioner of Income-tax, Patiala

…Applicant.

Versus

M/s Bakeman's Home Products, Patiala

…Respondent.

CORAM: HON'BLE MR.JUSTICE M.M.KUMAR
HON'BLE MR.JUSTICE RAJESH BINDAL

Present: Mr.Yogesh Putney, Advocate
for the revenue.

JUDGMENT

RAJESH BINDAL, J.

In terms of directions given by this Court in I.T.C. No. 86 of 1991, the following question of law arising out of the order of the Income-tax Appellate Tribunal, Chandigarh Bench, Chandigarh in I.T.A. No. 406/ Chandi/86, for the assessment year 1981-82, has been referred for opinion of this Court :-

> "Whether on the facts and in the circumstances of the case, the Income-tax Appellate Tribunal was right in law in holding that the assessee-firm is entitled to deduction u/s 80J of the Income-tax Act, 1961, on its own capital employed in the industrial undertaking such as the power generator, office equipment, furniture etc., though it does not own the industrial undertaking which has only been taken on leave by it?"

For the detailed reasons recorded in I.T.R. Nos.21 to 24 of 1990 decided by our separate order passed today, wherein identical question between the same parties, has been answered in favour of the revenue and against the assessee, the question referred is answered in favour of the revenue and against the assessee.

The reference is disposed of accordingly.

(RAJESH BINDAL)
Judge

(M.M.KUMAR)
Judge

DATE: 19.9.2007
"DK"